



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/916,819	09/30/2001	Marcos V. Masson	1798-2

CONFIRMATION NO.

HARRISON & EGBERT  
412 MAIN STREET  
7TH FLOOR  
HOUSTON TX 77002

8727

Date Mailed:  
10/22/02

**Decision Granting Petition under 37 CFR 1.138(c)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(c) that was filed on September 30, 2002, for express abandonment to avoid publication of the above-identified application.

The petition is granted.

The express abandonment is recognized and the application has been withdrawn from publication.

A notice of abandonment will be mailed in due course.

Telephone inquiries should be directed Office of Patent Publication, PGPub Division, 703-308-2355.

*Marcia L. Campbell-Jones*

Marcia L. Campbell-Jones  
Office of Patent Publication,  
PGPub Division

1798-2

PATENT



Practitioner's Docket No. \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: MASSON, Marcos V.; HENRY, Mark H.  
Application No.: 09 / 916,819 Group No.: 3625  
Filed: Jul.30,2001 Examiner: Smith, J. A.  
For: CIRCUMFERENTIAL RETRACTOR APPARATUS

Box PGPUB-ABN  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION FOR EXPRESS ABANDONMENT TO AVOID PUBLICATION**  
(37 C.F.R. § 1.138(c))

**WARNING:** While addressing a petition under § 1.138 to Box PGPUB-ABN increases the chances of it being received in sufficient time to avoid publication, it is unlikely that a petition filed within 4 weeks of the projected publication date will be effective to avoid publication under any circumstance. Notice of Sept. 20, 2000, 65 Fed. Reg. 57024, at 57045.

**NOTE:** An applicant seeking to abandon an application to avoid publication of the application (see § 1.211(a)(1)) must submit a declaration of express abandonment by way of a petition under this section including the fee set forth in § 1.17(h) in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process. Applicant should expect that the petition will not be granted and the application will be published in regular course unless such declaration of express abandonment and petition are received by the appropriate officials more than four weeks prior to the projected date of publication. 37 C.F.R. § 1.138(c).

**NOTE:** "A written declaration of abandonment must be signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4) to sign a paper in the application . . ." 37 C.F.R. § 1.138(b).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.) **OK FOR ABANDONMENT**

I hereby certify that, on the date shown below, this correspondence is being:

OCT 07 2002

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703)

Date: 9-18-02

Signature

John S. Egbert

(type or print name of person certifying)

(Petition for Express Abandonment to Avoid Publication) [25-5]—page 1 of 2)

NOTE: 37 C.F.R. 1.33(b): "(b) Amendments and other papers.

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

...

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

1. Applicant hereby petitions to expressly abandon this application, effective as of the date publication of this application is prevented, and concurrent with the filing of a continuation application so as to be co-pending.
2. The petition fee of \$130.00 under § 1.17(h) is paid as follows:
  - ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_
  - ☒ Authorization is hereby made to charge the amount of \$ 130
  - ☐ to Deposit Account No. 08-0879
  - ☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

3. Please note that a continuation application was filed via express mail on Sep. 18, 2002. A Serial Number was not available at the time of mailing the present document.

Reg. No.: 30,627

Tel. No.: (713 ) 224-8080

Customer No.: 24106

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

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